



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Ethics Commission Minutes October 19, 2005

Commission Members Present: Chair Jamie Eshbaugh, Vice Chair Carroll Haugh, and Frank Fortkamp.

Mayor & Council Present:

Staff Present: City P & Z Administrator Rick Stup, Temporary Staff Liaison; and Paul Rose, City Attorney

Chairperson Eshbaugh called the meeting to order at 7:00 PM.

Minutes

The minutes of the September 21, 2005 meeting were reviewed and approved. (MOTION by Dr. Fortkamp and seconded by Mr. Haugh unanimously passed.)

Chair:

Mr. Stup indicated that he had received an e-mail from Mr. Ward that he could not attend the meeting due to a business conflict.

New Business:

Candidate Financial Disclosure

Review Candidate Financial Disclosure Forms for the Special Election

Mr. Stup reviewed the two Candidate Disclosure Forms received with the Petition for Candidacy. He stated that there didn't appear to be any problems with the information, and no action was required by the Ethics Commission.

Messrs. Stup and Rose answered Commission questions.

Old Business:

Action Items

Review of Action Items from the last meeting.

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Old Business Cont.

Action Items Cont.

Mr. Stup reviewed the status of the Action Items from the last meeting and answered Commissioner questions. The items included Advisory Opinion/Complaint/Waiver request Procedure, Anonymous Complaint Letter, Annual Disclosure Form Distribution, Disqualification Form with Instructions distribution, Workshop Scheduled, and City Attorney Draft of Commission Member Terms. The Anonymous Complaint Letter was drafted and sent, and the City Attorney Draft of Commission Member Terms is part of the October Agenda. Discussion for the remaining items will also occur as part of the October Agenda.

Ethics Workshop

Mr. Stup discussed the schedule and topics for the proposed November 19 Workshop. He stated that the information that is to be distributed from the last meeting would be part of the notice for the Workshop. In addition to the Annual Financial Disclosure, all current forms and process would be explained as part of the information. Notice Packages are expected to be sent by the end of October, schedule permitting.

It was the consensus of the Commission that the Workshop Schedule and Topics were satisfactory, and that 10:00 AM was the best time for it to begin.

Commission Vacancy

Mr. Stup reviewed the status of the vacancy and stated that the only applicant withdrew their name from consideration. Since the Commission needs to continue to work towards a recommendation for amendments, it appears to be better to proceed without a full Commission rather than bring a new member on board towards the end of the review process. Under the City Administrative Procedure, we will re-advertise the vacancy in six months.

The Commission agreed with the re-advertisement, but wanted to have the vacancy open for Letters of Interest. Members had contacted individuals in the community, and there was possibly one interested party that wanted more information from them. Staff was asked to coordinate with the Mayor for this.

Section 2-3101, 2-3102 & 2-3401

Mr. Rose reviewed and discussed his draft of these sections to include Limits of Terms based on the discussion at the September Meeting.

Old Business Cont.

Action Items Cont.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

The following was the Commission's consensus for revisions:

- Insert "all" before employees in Section 2-3101
- Delete appointments and insert "members" in Section 2-3401
- Add "to the extent possible; and" to the end of Section 2-3401, (i)
- Transition of current Commission Terms is needed before finalization of the proposed amendments

Review of Ethics Ordinance

Section 2-3201 Prohibitions – Messrs. Rose and Stup led the review of this Section. Mr. Rose indicated the results of research with regard to the State of Maryland Model Ordinance. He stated that the current ordinance was modeled after the Type B Sample for Smaller Municipalities/Jurisdictions. The question arose what constituted a Smaller Municipalities/Jurisdictions, since Brunswick had been designated a City after the original ordinance was adopted. If that designation required the Type A Model to be used, additional work would be needed on previously reviewed sections. Mr. Rose was asked to further research the criteria for the designation of Large/Smaller Municipalities/Jurisdictions.

After discussion, it was the Commission's consensus that the following be revised:

- Title 2. is to be renamed "**Prohibitions**"
- Section 2-3201. Prohibitions is to be renamed "**Conflicts of Interest**"
- All references to town will be replaced with "**City**"
- (b) is to be amended to delete "of either \$7,500 or 20% or greater", and "of \$5,000 or more"
- (c) is to be amended to delete "of more than \$5,000"
- (g) is to be deleted and Section 21-3, 6, A & B of the City of Frederick Ethics Law is to be inserted in its entirety
- (h) is to be deleted and Section 21-3, 7 of the City of Frederick Ethics Law is to be inserted in its entirety

Section 2-3301 Financial Disclosures – This section was not addressed due to lack of time. It will be moved to the November Agenda for review and discussion.

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Old Business Cont.

Commission Work Goals

Evaluation of Ordinance Review Strategy & Schedule.

The Commission reviewed the Ordinance Review Strategy & Schedule to amend it based on the current progress. It was their consensus that the following adjustments were to be made:

- No adjustments are required since Section 2-3301 Financial Disclosures was scheduled for discussion at both the October and November meetings. The Schedule will be revised to indicate the progress made to date.

Comments:

It was restated that the following would be completed for the next meeting:

- Staff is to draft a procedure for Request for Advisory Opinion, Filing a Complaint, and Waiver Request to be brought to the Commission for consideration at the November Meeting.
- Staff will distribute the Annual Disclosure Form, Disqualification Form with instructions, and the schedule for the November 19th Workshop (10:00 AM) for instruction for the use of the approved Forms, Filings, Procedures, and Requirements of the Ethics Ordinance to the affected people.
- City Attorney to research the criteria separating Smaller and Larger Municipalities/Jurisdictions for use of the State of Maryland Ethics Commission Model Ordinances.

Mr. Stup stated that Staff would continue to work to update the Ethics Section of the City Web Site appropriately with new Forms, Policies, and Procedures. In addition, an information rack is being prepared to be installed in City Hall for all of the Ethics Information.

Mr. Stup reminded the Commission that the next meeting is November 16, 2005 at 7:00 PM., and the Workshop is November 19 at 10:00 AM.

Adjournment

The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Jamie Eshbaugh, Chair
Brunswick Ethics Commission